

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 In Re: New York City Policing During Summer : ORDER  
 2020 Demonstrations : 20 Civ. 8924 (CM) (GWG)  
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**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

The Court issues this order with respect to Docket ## 369, 370, and 374.

Docket # 369

The plaintiffs assert in Docket # 369 that defendants failed to comply with the Court's specific directive (Docket # 359) that the City either complete document production as to prior protest discovery by January 28, 2022, or "serve on plaintiffs on that date a detailed sworn statement from an individual with personal knowledge of the search describing all efforts made to respond to the request, explaining why the January 28, 2022, deadline was impossible to meet, and stating when the documents will be produced." (Docket # 359). Incredibly, the City's response to the plaintiff's letter (Docket # 381) does not address this accusation and thus gives no explanation of why it did not at least comply with the requirement of serving the sworn statement (or seek an extension of the time to do so). Moreover, it appears that the City still has not complied with the Court's Order to provide the sworn statement. Court orders are mandatory, not precatory. A conference will be held to discuss why the City should not be sanctioned pursuant to Fed. R. Civ. P. 37(b) for its failure to comply with the Court Order reflected in Docket # 359 and to address the remaining issues raised in Docket # 369. The conference shall take place on February 11, 2022, at 10:30 a.m. The attorneys should use the dial-in number they were previously provided. The public may listen to the conference by dialing 877-810-9415 and using access code: 4086346.

Docket ## 370 and 374

The Court's Individual Practices are clear that any opposition to a discovery application must be filed within two business days. The City is well aware of this deadline as they have frequently sought extensions of this deadline and have obtained them on occasion over plaintiffs' objection. The Court is in receipt of two applications to which the City has not timely responded and for which they have sought no extension. The Court deems these applications (Docket ## 370 and 374) unopposed. Plaintiffs are directed to supply a proposed order at their earliest convenience as to each application to effectuate the relief requested. The proposed orders shall be supplied in time to be discussed at the conference to be held on February 11, 2022, at 10:30 a.m..

With respect to this proceeding, the Court will record the proceeding for purposes of transcription in the event a transcript is ordered. However, any other recording or dissemination of the proceeding in any form is forbidden. Only one attorney for plaintiff and one attorney for

defendant will be permitted to address the Court with respect to any dispute. When addressing the Court, counsel must not use a speakerphone. Each attorney is directed to ensure that all other attorneys on the case are aware of the oral argument date and time. In addition, any requests for an adjournment must be made in compliance with Judge Gorenstein's rules (available at: <https://nysd.uscourts.gov/hon-gabriel-w-gorenstein>).

SO ORDERED.

Dated: February 7, 2022  
New York, New York

  
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GABRIEL W. GORENSTEIN  
United States Magistrate Judge